

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In the matter of the Complaint of F/V
MEMORIES, LLC for Exoneration from or
Limitation of Liability,

AT LAW AND IN ADMIRALTY

CASE NO. 2:17-cv-01296-RSM

**STIPULATION OF THE PARTIES
TO LIFT THE STAY OF THE
STATE COURT PROCEEDING**

STIPULATION

The parties stipulate to lift the court's injunction and stay this Limitation case so that the single claimant, Mr. Nicholas Bergquist, may proceed in the State Superior Court case already filed (17-2-10646-1 SEA). In reaching this Stipulation, the parties rely upon *Langnes v. Green*, 282 U.S. 531, 540 (1930); *Newton v. Shipman*, 718 F.2d 959 (9th Cir. 1983).

Specifically, it is stipulated that: (1) the value of the limitation fund equals the combined value of the vessel and its cargo; (2) claimant waives the right to claim *res judicata*

**STIPULATION OF THE PARTIES
TO LIFT STAY OF THE STATE OF
COURT PROCEEDING- 1**

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3 based on the judgment in the Superior Court action; and (3) this Court has the exclusive
4 jurisdiction to determine limitation of liability issues.

5 Dated this _____ of February, 2018.

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3 **ORDER**

4 Based upon the stipulation of the parties, it appears that Mr. Nicholas Bergquist, is a
5 single claimant in the above captioned Limitation Action. As such, it appears that Mr.
6 Bergquist wishes to proceed to a jury trial in King County Superior Court. The parties have
7 made the necessary stipulations in order to have the injunction in this case dissolved so that
8 Mr. Bergquist may pursue his lawsuit in King County Superior Court.

9 NOW, THEREFORE, IT IS **ORDERED** that the injunction in this case is dissolved.
10 Claimant Bergquist is free to pursue, subject to the above stipulations, his case in King County
11 Superior Court. It is further **ORDERED** that this Court has continuing, exclusive jurisdiction
12 to determine limitation of liability issues. This action is stayed pending the conclusion of the
13 Superior Court action. The parties are directed to notify the Court via a Status Report within
14 30 days of the conclusion of that action.
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16 DATED this 21 day of February, 2018.

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19 **RICARDO S. MARTINEZ**
20 **CHIEF UNITED STATES DISTRICT JUDGE**
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